



AGENDA MEMO

Needs Legal Review: Yes
Council Meeting Date: December 19, 2018
Agenda Item: Proposed Ordinance 2018-12-1033, Amending WSMC 13.16.065 through 13.16.07 Revising Billing Procedures
Presented By: Jan Brending, Clerk Treasurer

ACTION REQUIRED:

Approval of Ordinance 2018-12-1033, Amending WSMC 13.16.065 through 13.16.07, Revising Billing Procedures

PROPOSED MOTION:

Motion to approve Ordinance 2018-12-1033, Amending WSMC 13.16.065 through 13.16.075 Revising Billing Procedures, Repealing Sections and Providing for Severability and an Effective Date.

Why is it a legislative issue:

City Council approves all ordinances.

Explanation of issue:

The City has a code (WSMC 13.16.065A) that provides the all billings for water and sewer services are the responsibility of the owner of the property served. The city has been allowing tenants to setup separate utility accounts. When tenants move in and out of the property, the city has been creating final bills and new bills (adjustments) based on information provided to us by tenants.

The amendments provide that utility accounts will remain in the property owner's name with a duplicate bill sent to a tenant (upon the property owner's request). In addition, the amendments provide for a service in whereby a property owner can request a meter read and the preparation of document that shows prorated billing for an old tenant and new tenant. The fee proposed for this service is \$50. This covers the cost of reading the meter and preparing the proration document. Actual billing will not be prorated.

In addition, the amendments change the date that utility bills are due from the 25th of each month to the 20th of each month. In addition, change the timing for paying delinquent balances.

We believe that these changes increase productivity as city hall as it will reduce the amount time the city spends making adjustments to utility accounts.

Notice of the proposed changes to the utility billing procedures was included in the newsletter that is attached to the November utility billing. In addition, public notice of the public hearing was posted in the December 13 edition of The Enterprise. As of December 13, 2018 the city has not received any comments regarding the proposed amendments.

If the ordinance is passed, the city will include information regarding the changes with the December billing.



Budget:

No budget impact. These amendments should increase productivity for city hall staff.

Staff Recommendation:

Staff recommends adoption of Ordinance 2018-12-1033, Amending WSMC 13.16.065 through 13.16.075 revising billing procedures.

**CITY OF WHITE SALMON
ORDINANCE NO. 2018-12-1033**

**AN ORDINANCE OF THE CITY OF WHITE SALMON, WA, AMENDING WHITE
SALMON MUNICIPAL CODE 13.16.065 through 13.16.075 REVISING BILLING
PROCEDURES, REPEALING SECTIONS AND PROVIDING FOR SEVERABILITY
AND AN EFFECTIVE DATE**

WHEREAS, the current rate schedule for hookup charges, including impact fees, connection fees, and installation costs, does not reflect the current costs and should be increase according to the City Public Works Director's report pertaining to these charges; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITE SALMON DO ORDAIN AS FOLLOWS: by the City Council of the City of White Salmon that the following amendments be made to White Salmon Municipal Code Chapter 13.16:

SECTION 1 – Amendment to WSMC 13.16.025

Section 13.16.025 is hereby amended to read:

Key: Underlined = added language
~~Strikethrough~~ = deleted language

13.16.065 - Billing procedure generally—Payment date.

- A. The billings for all services provided for in this chapter shall be the responsibility of the owner of the property served. The billings shall be mailed to the owner's address, as used by the treasurer's office of Klickitat County for the mailing of real property tax notices or such other address as provided by the property owner to the city.
- B. Monthly billings include the base rates for the forthcoming month plus any past month's charges in excess of the base rates. All charges for services provided for in this chapter shall be due and payable by the twentieth ~~twenty-fifth~~ of the month following the billing period. If the twentieth ~~twenty-fifth~~ of the month falls on a weekend or holiday, payment shall be due on the next business day. If not so paid, it shall be considered delinquent.
- C. The City, upon written request of a property owner, will send a duplicate monthly bill to a tenant. New accounts will not be created for each tenant. The account will remain in the property owner's name.

- D. The City, upon request of a property owner and for a fee of \$50 will read the meter when a tenant moves out and prepare a spreadsheet showing prorated costs based on the moveout date. Separate bills will not be created for old and new tenants.**

13.16.070 - Charges deemed lien on premises when.

- A. All charges for water and sewerage service, for connections therefor, and all charges for turning water on after the same has been cut off as provided in this chapter, shall be a lien on the property upon which such connection is made or water delivered or sewerage service rendered, respectively, superior to all other liens or encumbrances except those for general taxes and special assessments.
- B. Enforcement of such lien or liens shall be in the manner provided by law for the enforcement of the same, and for delinquent water and sewerage service charges.

13.16.075 - Enforcement of charges—Service cutoff.

- A. **Obligation to Pay.** Each person shall pay the CITY Utility charges owed when due. The charges for utilities [sewer and water] shall accrue and be billed monthly. Utility bills shall be mailed to the property owner's ~~or account holder's~~ most current address or known address the **second to last business day of the month** ~~business day after the payment date as set forth in WSMC 13.16.065, generally on the twenty-sixth day of each month.~~ Utility payments are applied in a priority fashion, first to payment of wastewater [sewer] charges and second to water charges.
- B. **Content of Bill Notice.** The Utility bill shall contain the following: Notify the customer that payment of the bill is due as set forth in WSMC 13.16.065 and if not paid accordingly will be deemed to be delinquent and subject to a late fee applied in accordance with the adopted utility rates, charges and fees schedule. The late fee will be added to the account.
- C. **Content of Notice of Delinquency.** A notice of delinquency shall be designed to alert the customer of a delinquent balance. It also serves as a shutoff [discontinuation] notice and notice of right to appeal.
1. **Notice of Right to Appeal.** The notice of delinquency shall advise the property owner or account holder of an opportunity to present billing objections and discrepancies to the city's attention through a hearing process. The notice shall provide that the property owner or account holder must contact the city in writing within five calendar days after the notice of delinquency is sent in order to request an appeal hearing.
 2. **On the first business day of the month after an account is considered delinquent** ~~Seven days after an account is considered delinquent and still not~~

~~paid~~, a notice of delinquency shall be hung on the resident's front door and/or mailed and/or emailed to the property owner's ~~or account holder's~~ most current address provided to the city in writing stating that the delinquent amount must be paid by the twentieth of the month, allowing them an additional ten calendar days to pay the full utility amount due or make payment arrangements by way of a payment agreement.

3. The notice shall contain information that customers may be eligible for payment arrangements as outline in the city's delinquent account policy. If a property owner has multiple accounts that are delinquent, payment arrangements can only be made on one account at a time. The notice shall advise customers that if they wish to make payment arrangements, they shall do so by way of a water/sewer payment agreement as outlined in the city's delinquent account policy. If the property owner has multiple accounts, payment arrangements can only be made on one account at a time. The property owner is responsible for the tenant's unpaid bills. The unpaid balance is subject to additional late fees.
 4. The notice of delinquency shall contain a shut off notice advising the customer that delinquent accounts shall result in water service discontinuation action [shut off] ~~after~~ on the twentieth day of the month ~~11th calendar day~~ after the notice of delinquency has been sent in accordance with provisions of this chapter. ~~If the delinquent payment is not received by 5:00 p.m. on the twentieth day of the month tenth calendar day~~ a service fee shall be assessed.
- D. Appeal Hearing Procedure. The timely written request of the property owner or account holder to seek an appeal hearing shall suspend water disconnection action during the pendency of an appeal as provided for herein. The hearing shall be held within five days of the hearing request, or longer upon mutual agreement of the appellant and the City. The property owner or account holder shall have the right to present evidence why such utility should not be terminated. The hearing shall be conducted during normal business hours on an informal basis. A written decision on the appeal, including the date of the hearing, who was present, and the findings made as to whether or not the customer had good cause not to pay the bill and the reasons therefore, shall be timely issued to the appellant. The decision shall be filed in the city utility system record. The hearing shall be conducted by the City Administrator or designee familiar with the customer's billing information. The decision shall be final and not subject to further administrative appeal. If the property owner or account holder fails to make payment or take other steps as required by the decision within 5 days after the issuance of the decision, water service may be discontinued without further notice. In the event of a disputed amount, the property owner may tender the amount claimed to be owing and the city may only discontinue service after filing suit and obtaining a judgment in the matter.

- E. **Service Reconnection Fee.** In the event the city shuts off a water supply, the property owner/account holder will be assessed a turn on fee in accordance with the adopted utility rates, charges and fees schedule. If the water service is discontinued for non-payment the city shall only accept full sewer and water payment to include all payment in arrears before water service is restored. Water service restoration requests made after 4:00 p.m. Monday through Thursday will be subject to an additional fee in accordance with the adopted utility rates, charges and fee schedules. If water shut off is scheduled for Friday or on a city or federal holiday the service will be continued until the next work day.
- F. **NSF Checks.** If the city receives a non-sufficient check [NSF] the property owner/account holder shall be charged a handling fee in accordance with the adopted utility rates, charges and fees schedule. If a person writes more than one NSF check to the city within a twelve-month period, the city reserves the right to require cash payment for services rendered.
- G. **Deposit Upon Reconnection.** If a property owner or account holder has their water shut off twice in the past twelve months the city shall require an additional deposit to reconnect the water in accordance with the adopted utility rates, charges and fees schedule. Termination of service does not relieve the utility customer of the obligation to pay all outstanding bills and charges.

SECTION 2 - SEVERABILITY.

If any section, sentence, or phrase of this Chapter is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence or phrase of this Chapter.

SECTION 4 - EFFECTIVE DATE.

This ordinance shall become effective on February 1, 2019.

PASSED in regular session this 19th day of December, 2018

David Poucher, Mayor

Jan Brending, Clerk/Treasurer

Approved as to form:

Kenneth B. Woodrich, City Attorney